

Appln. No.: 10/531,925
Amendment Dated July 25, 2008
Reply to Office Action of April 28, 2008

PC10250US

Amendments to the Drawings:

The attached sheet of drawings includes changes to Figure 1. This sheet replaces the original sheet.

Remarks/Arguments:

Objection to the Drawings

Figure 1 is objected to as not including the legend "Prior Art". Applicants respectfully submit that Figure 1 submitted herewith addresses the Examiner's concern and respectfully request withdrawal of this objection.

Claim Rejections Under 35 U.S.C. 112

Claims 11-20 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as the invention. Applicants respectfully submit that the claims address the Examiner's concerns. Applicants request withdrawal of this rejection.

Claim Rejections Under 35 U.S.C. 102

Claims 11-18 stand rejected under 35 U.S.C. 102(b) as anticipated by U.S. 6,276,909 to Siegel. Applicants respectfully request reconsideration of the rejection of these claims and respectfully submit that these claims are patentable for at least the reasons set forth below.

Independent claim 11 recites "[a] supply device configured to supply pressure fluid into at least one vehicle brake, said supply device comprising: a pressure fluid inlet, a pressure fluid outlet, a piston is movably arranged in a bore of an accommodating member and has at least two hydraulically active diameters to supply pressure fluid in a direction of the pressure fluid outlet, at least one non-return valve is used for ventilation of a working chamber into which the piston is immersed, wherein the piston has a multi-part design and comprises at least two synchronously movable partial pistons, with a first partial piston exhibiting a first hydraulically active diameter, and a second partial piston exhibiting a second hydraulically active diameter, the first hydraulically active diameter of the first partial piston defining a pre-charging mechanism, wherein the first partial piston is defined by a cylindrical body of substantially constant diameter and the second partial piston includes a sealing seat for a valve member of the at least one non-return valve."

The Office Action cites to Figures 1 and 2 of Siegel '909 and identifies piston 40 while characterizing Siegel's core 42 as analogous to the claimed first partial piston and lubricant jacket 44 as analogous with the recited second partial piston. Referring to Figure 1, the lubricant jacket 44 extends completely about the core 42 such that the core 42 does not define any hydraulically active diameter nor does a diameter of the core 42 define a pre-charging mechanism. If it is argued that first and second hydraulically active diameters are defined in this embodiment, they are both defined by the lubricant jacket 44, as even indicated by the mark-up of Figure 1 on page 6 of the Office Action.

With respect to the embodiment of Figure 2, the Office Action indicates that the core 42 defines the first hydraulically active diameter, and therefore must be the first partial piston, while the lubricant jacket 44 defines the second hydraulically active diameter, and therefore must be the second partial piston. As explained in Siegel '909 at column 5, lines 15-18, "the valve seat 60, which in the embodiment of a piston pump of the invention shown in FIG. 2 is embodied at an orifice of the blind bore 58 provided in the core 42." (emphasis added). The valve seat is not included in the second partial piston as recited in independent claim 11. If it is argued that the core 42 could be considered the second partial piston, then the pre-charging mechanism would not be defined by the first hydraulically active diameter of the first partial piston, i.e. the lubricant jacket 44 in such an interpretation.

It is respectfully submitted that Siegel '909 fails to teach or suggest each limitation of the claimed invention, and therefore does not anticipate the claimed invention. Applicants respectfully submit that independent claim 11 is in condition for allowance.

Claims 12 and 13 are dependent upon claim 11, and therefore are allowable at least as dependent upon an allowable base claim. Furthermore, dependent claim 12 recites "the second partial piston is provided as a metal part." Contrary thereto, Siegel '909 explains that the "lubricant jacket 44 comprises a carbon fiber reinforced plastic, with which Teflon components are admixed to improve the sliding properties" (see Siegel '909 at column 4, lines 24-26). The lubricant jacket 44 is not composed of a metallic material. Thus, Siegel '909 does not disclose the second partial piston as recited in claim 12.

Independent claim 14 recites "A supply device configured to supply pressure fluid into at least one vehicle brake, said supply device comprising: a pressure fluid inlet, a pressure fluid outlet, a piston is movably arranged in a bore of an accommodating member and has a first

partial piston defining a first hydraulically active diameter and a second partial piston defining a second hydraulically active diameter to supply pressure fluid in a direction of the pressure fluid outlet, at least one non-return valve is used for ventilation of a working chamber into which the piston is immersed, wherein the first partial piston and the second partial piston are arranged and guided so as to be movable directly in the bore of the accommodating member."

In each embodiment of Siegel '909, the piston 40 is shown positioned within a bush 14 which is "press-fitted into the cylinder bore 10." (See Siegel at column 3, lines 12-25). There is no operable teaching or suggestion in Siegel '909 of first and second partial pistons movable directly in the bore of the accommodating member.

It is respectfully submitted that the cited references fail to teach or suggest each limitation of the claimed invention. It is respectfully submitted that claim 14 is in condition for allowance. Claims 15, 17 and 18 each depend from claim 14 and are allowable at least as dependent upon an allowable base claim.

Claim 19 stands rejected under 35 U.S.C. 102(b) as anticipated by U.S. 2001/0048884 to Siegel. Applicants respectfully request reconsideration of the rejection of this claim and respectfully submit that this claim is patentable over Siegel for the reasons set forth below.

Independent claim 19 recites "[a] supply device configured to supply pressure fluid into at least one vehicle brake, said supply device comprising: a pressure fluid inlet, a pressure fluid outlet, a piston is movably arranged in a bore of an accommodating member and has a first partial piston defining a first hydraulically active diameter and a second partial piston defining a second hydraulically active diameter to supply pressure fluid in a direction of the pressure fluid outlet, at least one non-return valve is used for ventilation of a working chamber into which the piston is immersed, the non-return valve is configured as a suction valve, and a second non-return valve designed as a pressure valve and having a sealing seat provided at a base member that includes a casing in which the second partial piston is received, wherein the casing defines a shoulder at a top end thereof, said shoulder radially extending between the hydraulically active diameters for securing a sealing element engaging the first partial piston in position in the bore of the accommodating member."

The Office Action characterizes the bush 12 of Siegel '884 as analogous to the claimed casing. The bush 12 in each embodiment of Siegel '884 has an open end. Siegel '884 does not

teach or suggest a casing having a shoulder radially extending between the hydraulically active diameters for securing a sealing element engaging the first partial piston in position in the bore of the accommodating member.

Siegel therefore fails to disclose or suggest every element of the claimed invention of claim 19. Accordingly, for at least the foregoing reasons, Applicants respectfully submit that independent claim 19 is allowable over the cited references.

Claims 20-21 stand rejected under 35 U.S.C. 102(b) as anticipated by U.S. 6,302,663 to Schuller. Applicants respectfully request reconsideration of the rejection of these claims and respectfully submit that these claims are patentable over Schuller for at least the reasons set forth below.

Independent claim 20 recites "[a] supply device configured to supply pressure fluid into at least one vehicle brake, said supply device comprising: a pressure fluid inlet, a pressure fluid outlet, a piston is movably arranged in a bore of an accommodating member and has a first partial piston defining a first hydraulically active diameter and a second partial piston defining a second hydraulically active diameter larger than the first hydraulically active diameter to supply pressure fluid in a direction of the pressure fluid outlet, at least one non-return valve is used for ventilation of a working chamber into which the piston is immersed, wherein the second partial piston is a ball arranged and guided in a casing of a base member for a second non-return valve."

The Office Action characterizes the unnumbered valve ball engaging the valve seat 40 shown in Figure 1 of Schuller (see marked-up version of Figure 1 on page 9 of the Office Action) as analogous to the recited second partial piston. Applicants respectfully submit that the valve ball is not a part of the piston, but to the contrary is configured to move into and out of engagement with the valve seat 40. Furthermore, the diameter of the valve ball is clearly not larger than the hydraulically active diameter of the piston 34 as recited in independent claim 20.

It is respectfully submitted that the cited references fail to teach or suggest each limitation of the claimed invention. It is respectfully submitted that claim 20 is in condition for allowance. Claim 21 depends from claim 20 and are allowable at least as dependent upon an allowable base claim.

Conclusion

In view of the amendments in the claims and the remarks set forth above, Applicants respectfully submit that this application is now in condition for allowance, which action is respectfully requested. If the Examiner believes an interview will advance the prosecution of this application, it is respectfully requested that the Examiner contact the undersigned to arrange the same.

Respectfully submitted,



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Attachments: Figure 1 (1 sheet)

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